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BEFORE THE ARIZONA CORPORATION COMMISSION
AZ CORP COMMISSION

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Generic Investigation on Industry Petition for) DOCKET NO. T-00000F-99-0641
Approval of an NPA Relief Plan for 520 NPA)
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AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.'S
COMMENTS ON THE INDUSTRY PROPOSED OVERLAY RELIEF PLAN

I. INTRODUCTION

On June 14, 2000, the Arizona Corporation Commission ("Commission") invited affected telecommunications service providers and other interested parties to submit written comments on the Industry proposed overlay relief plan for the 520 Numbering Plan Area ("NPA"). Pursuant to that invitation, AT&T Communications of the Mountain States, Inc. ("AT&T") provides the following comments, on behalf of itself and all AT&T companies that provide telecommunications services within Arizona.

AT&T participated in the industry meetings, led by the North American Number Plan Administrator ("NANPA"), Lockheed Martin IMS (currently known as NeuStar, Inc.), that were held on September 8 and 27, 1999. Subsequent to the industry meetings, on November 8, 1999, NeuStar submitted to the Commission the industry's recommendations for either a geographic split, with the Tucson area retaining the 520

NPA (Alternative 2), or an all-services overlay (Alternative 3). At the Commission Staff's request, NeuStar reconvened the industry on April 19, 2000, with the goal of gaining consensus on a single area code relief recommendation. AT&T participated in the April 19, 2000 meeting. The industry consensus, reached at the April 19, 2000 meeting, was for an all-services overlay solution. NeuStar filed a letter with the Commission recommending an all services overlay solution on April 21, 2000. Although AT&T voted in favor of the split alternate, it would not object to the implementation of an overlay, subject to certain conditions specified below. AT&T's primary concern is that the Commission move expeditiously to adopt area code relief to ensure an adequate supply of numbers for carriers and their customers.

II. DISCUSSION

A. All-Services Overlay

AT&T does not oppose the all-services overlay recommended by the industry as long as it is subject to the following conditions: (1) mandatory ten-digit dialing be implemented where an overlay is used, and (2) permanent local number portability ("LNP") for wireline customers is fully implemented. AT&T believes these conditions are necessary to alleviate the potential anti-competitive effects of an overlay. AT&T also believes that it is critical that an effective industry-developed customer education plan is put into place to ensure successful implementation of the overlay.

The need for timely customer education is heightened with the implementation of an overlay. New, unfamiliar numbers are introduced more slowly with an overlay than the flash-cut that results from a geographic split. Accordingly, effective implementation

of an overlay requires that customer education efforts be undertaken in a two-prong manner: (1) a campaign should be initiated when 10-digit dialing is first introduced, and (2) should continue when new numbers are actually being assigned out of the new area code.

B. Geographic Split

If the Commission opts to implement a geographic split solution for the 520 NPA, AT&T requests that the Commission adopt two conditions: (1) the Tucson/Nogales area retain the 520 NPA, and (2) wireless carriers be granted the option of grandfathering¹ their central office codes ("NXXs") that are currently assigned in the 520 NPA.

1. Retention of the 520 NPA in the Tucson/Nogales Area

Under Alternative 2², the Tucson/Nogales areas would retain the 520 NPA. If the Commission adopts a geographic split solution, AT&T supports this retention of the 520 NPA in the Tucson/Nogales area, as it mitigates the impact to customers. The Tucson/Nogales area not only has a larger population base, but also has a higher concentration of business customers. Business customers are more negatively impacted by having to change telephone numbers. Businesses incur expense for changes to advertising, printed material, and can experience lost business due to a number change. Although changing area codes poses inconvenience and costs to any impacted customers, the retention of the existing 520 NPA in the more populous area is the logical choice and

¹ Grandfathering is merely the process of permitting wireless carriers to retain their customer numbers in the 520 NPA, regardless of what side of the area code boundary they fall on after the split.

² See *In the Matter of the Generic Investigation on Industry Petition for Approval of an NPA Relief Plan for 520 NPA*, Arizona Docket No. T-00000F-99-0641, "Petition of the North American Numbering Plan Administrator on Behalf of the Arizona Telecommunications Industry, November 8, 1999.

would minimize the negative impact on customers.

2. Option of Grandfathering NXXs for Wireless Carriers

Unlike wireline phones, wireless phones need to be physically reprogrammed to accommodate a change in area codes. This process is burdensome for customers – many of whom must bring their phones into a store to get the phones reprogrammed – and is expensive for carriers. If the Commission adopts the geographic split proposed in Alternative 2, the number of codes that might be grandfathered should be minimal.³ Furthermore, if the Commission grants wireless carriers the option of grandfathering codes in the 520 NPA, AT&T would agree to not request duplication of any grandfathered codes in the new NPA.⁴ Therefore, grandfathering would not have any negative effect on number conservation. Wireless companies would have to decide to keep their NXXs in the 520 NPA or take the NXXs in the new area code. The net effect is that the same number of NXXs will be required.

A decision to grandfather wireless customers serves the public interest. As detailed above, the unique inconvenience and cost to this specific customer group is not warranted. Furthermore, there is no gain to be made by not adopting the grandfathering process. In addition to this Commission's previous approval of wireless grandfathering in the 602 area code split in December, 1998⁵, a number of other states have also allowed wireless carriers the option of grandfathering. In its NPA 516 decision, the New York

³ AT&T Wireless has 8 NXXs in the 520 NPA – only 2 of which would be grandfathered if the boundary recommended in Alternative 2 is adopted.

⁴ AT&T may, however, seek to obtain one new code in the new NPA so it can make numbers from the new area code available to customers who want them.

⁵ *In the Matter of the Generic Investigation into the Recommendation of the Numbering Plan Administration for an Area Code Relief Plan in the 602 Area Code*, Docket No. T-00000F-97-0693, Order (December 22, 1998) ("Decision No. 61301").

Public Service Commission concluded that public interest would be served by wireless grandfathering.⁶ Similarly, the Minnesota Public Utilities Commission ("PUC") ordered wireless grandfathering in both its geographic splits of the 612 NPA.⁷ In its May 15, 1998, Order, the Minnesota PUC ruled that the difference between landline service and wireless service justifies grandfathering.⁸ The New Jersey Board of Public utilities permitted wireless carriers to grandfather their customers in the 609 area code.⁹ Similarly, the California Public Utilities Commission decided as a policy matter that all carriers with wireless NXX codes are not required to change the area codes of these numbers in any geographic split in the state.¹⁰

C. Number Pooling

The Commission Staff has also requested that parties address whether adoption of number pooling, as defined in the Federal Communications Commission's Order on Number Resource Optimization ("NRO") (CC Docket No. 99-200) should be incorporated into the Industry recommended relief plan. While AT&T is supportive of number pooling and other number conservation measures,¹¹ it does not support incorporating number pooling into the Industry recommended relief plan for the 520

⁶ Case 98-C-0689, Numbering Resources, Opinion No. 99-6, Opinion and Order Directing Geographic Split of the 516 NPA, issued and effective April 29, 1999, at 35-36.

⁷ *In the Matter of a Relief Plan for the Exhaust of the 612 Area Code*; Docket No. P-999/M-97-506; Order Granting Area Code Relief, May 15, 1998; Order After Reconsideration; April 6, 1999; p. 10-11.

⁸ *In the Matter of a Relief Plan for the Exhaust of the 612 Area Code*; Docket No. P-999/M-97-506; May 15, 1998; p. 2.

⁹ *In the Matter of the Request for Board Guidance on Area Code Relief Plans for the New Jersey 609 Area Code*, Docket No. T-O96100763, Decision and Order, February 3, 1999, page 29.

¹⁰ See e.g. *County of Fresno v. Pacific Bell, Code Administrator and Code relief Coordinator of California*, Case No. 97-07-020, Decision No. 97-12-092, July 21, 1997.

¹¹ *In the Matter of Numbering Resource Optimization*, CC Docket 99-200, Comments of AT&T Corp., July 30, 1999 and Reply Comments, August 30, 1999.

NPA. First of all, the Commission has a petition pending with the FCC regarding its desire to implement number pooling.¹² The FCC must approve any implementation of mandatory number pooling that is done prior to its national rollout. In its Numbering Resource Optimization (“NRO”) Order, the FCC specified criteria that states must meet in order to be considered for the delegation of additional numbering authority. Specifically, each petition must demonstrate that: 1) an NPA in its state is in jeopardy, 2) the NPA in question has a remaining life span of at least a year, and 3) NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable.¹³ The FCC directed states, with petitions pending that did not address those criteria, to file supplements within thirty days of release of its Order.¹⁴ The 520 NPA does not meet all the criteria specified in the NRO. Specifically, the 520 NPA has not been declared in jeopardy. The FCC did state that it, “recognized that there may be ‘special circumstances’ where pooling would be of benefit in NPAs that do not meet all of the above criteria, and we may, thus, authorize pooling in such an NPA upon a satisfactory showing by the state commission of such circumstances.”¹⁵ The Commission’s supplement, filed on May 1, 2000, pleads that special circumstances exist in the 520 area code (as well as in the 602, 480, and 623 area codes.) The FCC has not yet opened the comment period on this supplement and, therefore, it would be

¹² *Petition of the Arizona Corporation Commission for Expedited Delegation of Authority to Implement Number Conservation Measures*, CC 96-98, December 23, 1999, corrected copy filed on December 28, 1999, supplement filed on May 1, 2000.

¹³ *In the Matter of Numbering Resource Optimization*, FCC Docket No. 99-200, Report and Order and Further Notice of Proposed Rule Making, Released March 31, 2000, ¶ 170.

¹⁴ *Id.*

¹⁵ *Id.*

inappropriate for this Commission to link any mandatory number pooling with this 520 NPA relief docket. The FCC has, on several occasions and most recently in its NRO Order, reiterated its position that number conservation measures are not to be substituted for timely area code relief.¹⁶ Despite the fact that the initial planning proceedings for relief in the 520 NPA began in July 1999, the Commission has not yet made its decision on the relief solution that will be implemented. Projections by NeuStar indicate that the 520 NPA will exhaust in 4Q 2001. This docket should not be unduly burdened or delayed further by the inclusion of number pooling.

The FCC has established a national plan to roll out number pooling with initial deployment taking place in the top 100 Metropolitan Statistical Areas ("MSAs"). The FCC will soon be soliciting bids for a pooling administrator and expects to begin implementation of number pooling nine months after the pooling administrator has been selected. The Tucson area ranks 71st in the top 100 MSAs and, therefore, will be a likely candidate for early pooling implementation once national procedures are finalized.

III. CONCLUSION

AT&T does not oppose the all-services overlay as recommended by the industry in the April 21, 2000, NeuStar filing. If, however, the Commission opts to implement a geographic split, AT&T respectfully requests that the Commission provide wireless carriers with the option of grandfathering their existing NXXs in the 520 NPA. Additionally, AT&T requests that, if a geographic split is adopted, the Tucson/Nogales area retain the 520 NPA in order to minimize customer impact. Number

¹⁶ *Id.*, ¶ 123.

pooling should not be incorporated into this NPA relief proceeding.

Respectfully submitted this 29th day of June 2000.

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CERTIFICATE OF SERVICE

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